CANAL WINCHESTER CHARTER REVIEW COMMISSION

COVID-19 ANNOUNCEMENT

Due to COVID-19 and social distancing requirements, Canal Winchester Charter Review Commission meetings will not be open to the public until further notice. The meetings will be hosted online using the GoToWebinar platform which can be accessed via computer, tablet, or smart phone. An email address is required to access the meeting.

To access the September 23, 2020 meeting, click the following link.

https://attendee.gotowebinar.com/rt/7310194726423542283

Note: In this format, video and audio of the meeting will be available as the meeting takes place, however, viewers will not have microphone or webcam permissions.

Per the direction of the Ohio Attorney General Dave Yost and the Ohio Public Meetings Act, public comments may be accepted prior to a public meeting in lieu of public comments at the meeting. Comments regarding an agenda will be accepted until 3:00 p.m. on the day of the meeting. To submit a comment to the Charter Review Commission, please use the link below.

Submit a Comment

Canal Winchester

Town Hall
10 North High Street
Canal Winchester, OH 43110

Meeting Agenda

September 23, 2020

7:00 PM

Charter Review Commission

Michael Stobart - Chair
Marilyn Rush-Ekelberry - Vice-Chair
Jim Bohnlein
Charles Carpenter
Pat DeWitt
Steve Donahue
Nick Franklin
Amy Giesecke
Jackie Marion
Liana Obert
Ryan Rose

Alternate
Rick Deeds

A. Call To Order

B. Roll Call

C. Approval of Minutes

i. **9-16-20 Meeting Minutes**

D. Public Comments - *Due to COVID-19, Charter Review Commission meetings will not be open to the public until further notice. Those wishing to address the Commission are asked to submit written comments. Comments received by 3:00 p.m. the day of the meeting will be acknowledged at that evening's meeting. Comments can be submitted using the form available on the City's website.*

E. Legal Counsel Report

F. Items for Discussion

i. **Charter Article V - Mayor**

G. Next Meeting - *Wednesday, September 23, 2020 at 7:00 p.m.*

H. Adjournment

Canal Winchester

Town Hall
10 North High Street
Canal Winchester, OH 43110

Meeting Minutes - DRAFT

September 16, 2020

7:00 PM

Charter Review Commission

Michael Stobart - Chair
Marilyn Rush-Ekelberry - Vice-Chair
Jim Bohnlein
Charles Carpenter
Pat DeWitt
Steve Donahue
Nick Franklin
Amy Giesecke
Jackie Marion
Liana Obert
Ryan Rose

Alternate
Rick Deeds

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A. Call To Order *Chairman Stobart called the meeting to order at 7:00 p.m.*

Stobart: had a new member join; Katy Santore resigned; Jim Bohnlein is taking that place; have one alternative at this point; just a point of clarification; question outstanding from last meeting on the role of alternatives and how they sit during these meetings; my understanding is if a regular member is not in attendance that's when the alternative steps in and votes; Shamp: correct; Stobart: happened at the February 26th meeting; had a member that was off and Rick Deeds stepped in and voted during that meeting; that's how that process works.

B. Roll Call

Present 11 – Bohnlein, Carpenter, DeWitt, Donahue, Franklin, Giesecke, Marion, Obert, Rose, Rush-Ekelberry, Stobart

Absent – Deeds (Alternate)

Also in attendance – Jesse Shamp, Legal Counsel
Amanda Jackson, Finance Director/Clerk

C. Approval of Minutes

i. **3-11-20 Minutes**

A motion was made by DeWitt to approve the minutes from the March 11, 2020 meeting, seconded by Carpenter. The motion carried with the following vote:

Yes 11 – DeWitt, Carpenter, Bohnlein, Donahue, Franklin, Giesecke, Marion, Obert, Rush-Ekelberry, Stobart

D. Public Comments - Five Minute Limit Per Person

Stobart: No public comments received on the previous meeting or on any of agenda items for today.

E. Legal Counsel Report

iii. Future Meeting Dates

Stobart: To recap, reviewed sections 1, 2, 9, 10, and 12 at the first full meeting on February 26th; didn't vote to approve any of those at the time; just committed to the review of that; thought was we'd go ahead and review sections 3 and 4 today; doesn't mean we have to finalize any changes on them; just start the discussion; probably 5 we will start raising issues on as well; will leave us 3 other sections to review during the remainder of the year; originally we had scheduled to get 7 sections completed within 5 meetings; still have 6 sections left to review; do Wednesdays work for Charter members; Group: Yes; Stobart: I'm out next week so if we have it, Marilyn will you be available to Chair; Rush-Ekelberry: Yes; Marion: when can we go back on the ballot; in the spring?; Shamp: can go on the ballot at any time; Council can set its own election for it; ideally we'll end up on the May ballot which the deadline to get to the Board of Elections is February 3rd; Stobart: We're charged with wrapping this up by the end of this year; Shamp: correct; spoke with Gene; think there's an argument to be made that if we had to drag into next year it would be ok but I think we'd be able to wrap it up before then; Stobart: couple of outstanding items from last meeting; Jesse, you were going to look at some alternative language for the emergency resolutions, section 10.1, if it's something in the next couple of meetings we can get before we vote on it; Shamp: I have a printout that I meant to email; I was thinking I'd get it out to you before the next meeting; it's a memo setting out different options from different cities and then we can wrap it up at the next meeting; Stobart: I also brought some additional handout materials too to supplement what I knew you'd be providing on the some of the different forms that these charters take; we have a strong mayor-council structure today; there are multiple other versions of that; hybrids as well; just wanted to make sure everyone is educated on the options that are out there; see if anyone has interest in structurally changing anything, if necessary; something for everyone to take a look at; I have three handouts; I will email them to you Amanda so you have them for the record as well; I also took the

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time to pull 6 other city charters from the Columbus metropolitan area for reference; for me to educate myself over the last couple of months of what else is out there; happy to share them with any or all of you if you want; pulled Grove City, Gahanna, Grandview, Groveport, Hilliard, and Upper Arlington; all have varying forms; one or two are consistent with the City of Canal Winchester; others have strong Council; some have City Administrators or City Managers; different structures that you can be aware of what those possibilities are; that can be something we can review or just have for education; Carpenter: so was it determined that we are meeting every Wednesday then?; Stobart: I believe so, let's set the calendar specifically at this point; Carpenter: You said we had 6 or 7 sections to go through so I didn't know if we were just going to barrel through them or; Stobart: Let's set the agenda for the next two or three to see what we can get through; these are going to be the more contentious or the more discussed provisions than these first 5 we took; 3, 4, and 5 being the ones over the next couple of weeks to discuss; does anyone have any problems on September 23rd or 30th; I know I can't make the 23rd; Bohnlein: Marilyn, would you have any problem chairing the committee then?; Rush-Ekelberry: God willing and the creek don't rise, I'll be here; Stobart: And then we have October 7th and 14th; Shamp: I'm out of town the 7th but Gene could certainly cover; just have to check with him; Stobart: sometimes breaks don't hurt; I don't think we have to go all the way out to the end of the year; any objection to taking the 7th off? Group: No; Stobart: so not on the 7th; so Amanda, right now we are looking at the 23rd, 30th and 14th for the next three meetings; Jackson (Clerk): ok, and we will plan on those meetings being in this building;

i. **Charter Article III – Council**

Stobart: Anything else for sections 1, 2, 9, 10, or 12 that anyone had a chance to reflect on and wanted to raise questions on or discuss today?; Hearing none, moving on to sections 3 and 4; These cover the Powers of the Council and the Legislative Procedure; obviously as we get educated on the other structures that are out there; thoughts, concerns, comments about how Charter is currently written today; we did do some preliminary discussions at the February 26th meeting and one thing brought up was 3.02(B) about a possible residency requirement for members of Council; right now it's read as at the time they file for office they need to reside here; in reviewing those other 6 charters, all but one had a residency requirement of at least a year; one had a requirement of 2 years; Donahue: you're saying have a residency requirement of two years before they could run for council; Stobart: correct; one year in all jurisdictions except for one had a two year; just a sampling of six; couldn't tell you for the 100+ jurisdictions in Ohio where they stand but it appears to be a common trend to have a residency requirement; DeWitt: my only problem with that is we need a lot of people and we don't have a lot of people that are willing to run for Council and you start putting chains on them; one year might be ok; but two years is unreasonable; Obert: personally, I'd like to see somebody that knows our community be on city council instead of someone moving in and being on city council without knowing what our community is all about; Bohnlein: I think that's what an election's for; if people feel that they needed to be a resident for more than one year, they don't vote for them; Stobart: my concern would be that many people vote off of slate cards; while this is a non-partisan election but we still get those slate cards and a lot of people vote off of that without really knowing who the candidate is; Donahue: anyone running for council puts something out so you get to know who they are; if the person wants to get elected they are going to put out their material so people know who they are; I have no problem with the year but I'd assume that people who are going to run are probably involved in a lot of other things; school activities; service clubs; I don't think somebody's going to get elected unless the words out about what they've done; I think you should be a resident here; I have no problem with a year; but on the other hand, it's not too bad to have somebody from another community move in and they have different ideas that worked there; maybe they were on council in one of those places; I'd be in favor of a one year;

Carpenter: has there been any issues of people coming in just to get elected?; DeWitt: just to get elected, no; Stobart: in researching this I noticed that in Gahanna's mayoral election, they actually have a two year, and the person that made it through the primary and at the general was about two months short of the 2 year and they ran into a quandary because no one objected to it before the primary; question of law can you actually seat the person or does the city attorney have to remove or disqualify the mayor if he was actually elected; he lost that election; that person was actually a previous council member that had moved out of the jurisdiction and back in; I could understand one year as well; Marion: I think one year is appropriate; Rose: What about if you lived here, moved away but had only been back for 6 months, and you lived for 30 years before; DeWitt: it's a cumulative year; Marion: if you're gone a long time,

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things have changed; it'd be nice to have someone acclimate themselves to the community again; Stobart: one year in the last 5 years or something like that; I don't think we'll have a lot of this situation; Bohnlein: is there anything here that sets the actually boundaries of the city; is it the city limits or the win-win boundaries; Donahue: it's the city limits; win-win is the school district; Rush-Ekelberry: it's the corporation only; Stobart: the key legal language is the electors of Canal Winchester and that's consistent language across all charters; you won't be able to get elected unless you live with the electoral boundaries; I think we're covered pretty good; are we ok if Jesse takes a stab at a sentence addressing the one year residency requirement?; we can always revisit it at final approval; Group: yes; Shamp: I'll give you a couple options and you can pick which one; Carpenter: that means that they couldn't move out of the district and still be on council; Donahue: I would think that while you're on council, you have to live here; Stobart: yes during the term of their office;

Stobart: 3.03? No comments?; 3.04 Clerk of Council; Donahue: when the clerk of council also is employed by the city and that person doesn't do a good job for the city, they might be gone and then they're gone from your clerk of council; number of times when we didn't have a clerk of council; do you let them have another half of the employment with the city but if you don't will it cut down on the pool of who would take that job; Carpenter: is the clerk of council full time; Donahue: could be full time but right now it's part time; clerk of council works for the council; but in cases where it's half time, we have it in here where you can get a job with the city; but then they screw up in that job and then their gone from both; Obert: why would they still not be clerk of council if they were hired by the council even if they were fired by the city; Donahue: Amanda, can you answer that; Jackson (clerk): I think it would all depend on how the job description is written, who they are reporting to; it's something we struggled with this position currently; Franklin: I don't see how that's right if it's two different positions unless it's something derogatory; Marion: I also wondered about the comment "may be removed without cause by a majority vote of the members of Council"; that seems pretty archaic that you're removed without cause; Jackson (clerk): we have a lot of city employees that are at will employees; Carpenter: State of Ohio is that way; Donahue: for a teacher you to have just cause, an administrator is because; Marion: so that's pretty typical that you can be removed without cause; Donahue: yeah; Marion: and that's because he or she is not an employee of the city?; they're an at will employee; Donahue: they can be removed from the city without cause; Marion: so everybody that works for the city can be removed without cause; Jackson (clerk): not everybody; it depends on your position;

Carpenter: I think it is two separate things; if the person were to be let go by the city, council would have to decide do we let that person go because they're not doing a good job for the council; Donahue: it could go both ways; Marion: you could just work for the council; Franklin: I agree unless it's something that has to do with a criminal background or moral terms, something that would remove you from both positions; Donahue: lot of times the city would need a half time employee; this person fits the bill, put them in there; you're probably saving the city money by doing this; position is supposed to be working for the council; DeWitt: is there enough work for council; would it be 10 hr job; Jackson (clerk): it's 20 hours a week; DeWitt: is there 20 hours of work for just council; Jackson (clerk): some weeks yes, some weeks no; Donahue: council could ask that person to research things for them; Carpenter: it's probably the average; Marion: does council have to go along with the termination that the city dictates; Stobart: theoretically no; note that Nick Franklin had to leave the meeting (7:25 p.m.); other council mayor structures can become problematic; Jackson (clerk): from a practical standpoint, part of the issue is the day to day oversight of the position; council isn't a full time job; person works very independently; not everyone is cut out for that; has caused problems over the years; Stobart: table it for now; know there's an issue there; discuss it further at the next meeting;

Rush-Ekelberry: Amanda, who does the clerk of council report to at the city; Jackson (clerk): technically, no one; that's where the confusion with the day to day comes into play; duty has fallen to myself, the Finance Director, for many years even when I'm not technically the person they should be reporting to; that's part of the reason having this individual work for council and the city has worked out in some respect because they have that day to day supervision; each councils' preference is different; Carpenter: if their other part time job isn't with the city, do they still have to come into the city offices; Jackson (clerk): right now that is how the position is structured; they have a desk, city equipment; treated as a city employee; ultimately up to council if they decided the individual didn't need to come into the office and could work from home; Donahue: I just keep seeing this happen where we don't have a clerk; Marion: so we lose good

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clerks because of that; Carpenter: could we block the clerk from working for the city; Stobart: we could; Jackson (clerk): they would technically still be a city employee for PERS contributions and the perks of being a city employee; paycheck would still come from the city; Shamp: just add the word "not" after the word "may"; "Clerk of council may not hold other office or position of employment in the Municipality"; limit them to the part time clerk of council job; Marion: then they would report to someone on council; Jackson (clerk): they technically report to someone on council now; Stobart: two competing concerns; oversight by the council, adequate daily oversight; can you get enough qualified candidates to work on a part time basis; limiting your employment pool in a small community; Donahue: the person would report to the president or the president's designee; president may have a full time job and the vice president or another member may have the time; whatever is the best working situation; Stobart: they could do that by rules of council or ordinance or resolution; we don't need to set that in the charter; Amanda, in your role over the years, are there any additional duties you can think of; Jackson (clerk): Job description includes more than this; don't want to get into too much detail in the charter because things could change based on the council; biggest thing would be responding to public records requests as they relate to council; Stobart: so would also be the Public Information Officer?; Jackson (clerk): no, they would handle when someone requests minutes, legislation or anything related to the council or the clerk of council's office;

Stobart: who writes the job descriptions; Jackson (clerk): they were written a while ago by an employment attorney with input from city officials; have an HR Coordinator currently that handles them; Stobart: some charters are very sparse; ours is lengthy; comparable to several others; is it appropriate to put in the city charter or leave to council to put in a resolution; Jackson (clerk): each job description has the phrase "other duties as assigned"; could put that in there; let each council assign those additional duties: Donahue: good idea; each council is different; Shamp: I would suggest we add towards the bottom "The Clerk of Council shall be subject to the control of the officers of Council and shall be responsible for duties as assigned by that Council"; Group: That's good;

Stobart: 3.05 Council meetings; do any former council members have suggestions, recommendations, experiences where there have been problems with meetings; Donahue: I don't recall any; always going to have conflicts with work, people out of town; illness; Marilyn?; Marilyn: No; Bohnlein: As someone who goes to council meetings, limiting the comments of people before a meeting limits you to asking questions or posing questions that might not be addressed at the meeting; when something is brought up at the meeting; you have no way to comment during the meeting; you are allowed to present a topic before the meeting but that's the last time you hear about it; is that part of the meeting or council rules decision; or not written in the charter and should be; Donahue: president can recognize anyone at any time if they deem it appropriate and want to; if you have 50 people in here and 50 more outside that all want to say the same thing; you have duties to do; president can do that though; Bohnlein: is that written somewhere; Jackson (clerk): it's in the council rules; Carpenter: that would be a council decision then; Rush-Ekelberry: a lot of times they would reiterate over and over; different people saying the same thing; slows down the process of the meeting; Marion: how does council gauge the levity of that particular issue if you only have 1 person stand up and talk and have 50 people that feel the same way; how does council get the sense that this is an issue we really need to talk about; Rush-Ekelberry: you know as a council; Carpenter: there's other forms of communication; people get their point across; Donahue: there were very few times that someone came up to the podium that I didn't know what they were going to say prior to the meeting; they contacted you or other members or the city; you knew; Stobart: the people who are going up there to speak, it's just for them to get it off their chest; opportunity for them to share their feelings; that's what important about it; we know council has heard it 50 times; it's important for a citizen to feel they are being heard; cutting comments off or this place is filled because of fire issues, and have 50 people outside, it's very upsetting as a citizen; I just want to be heard; other issue is the emergency legislation that gets passed through; it'll pop up on the agenda and you go to speak before you've heard anything about it; council will talk about it and then council will vote on it and you're left holding the bag never having had the opportunity to address that; a comment period; it's up to council to take to heart; maybe in the rules; open up a second comment period for any new business brought up; that's a critical piece; DeWitt: most everything they vote on is a resolution and has to be put up there three times so if you don't get your point across; except emergencies; Stobart: We have a lot of emergencies; Donahue: most emergency

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resolutions or ordinances voted on aren't because of the city; people you're working with; there's deadlines; didn't get it to the city soon enough; if the city doesn't act on it; city is going to lose out;

Jackson (clerk): I appreciate what you're saying Mr. Stobart and in theory it sounds fantastic; in practice it's very difficult for us to meet timelines even with the three reading process; things go to work session for discussion, two weeks later to council for first reading, two sometimes three weeks later for second reading, and two weeks later for third readings; very long timeline; very difficult for us to let things drag out that long; Stobart: I completely agree; it's the missed opportunity for the second public comment after the reading; that's what causes the consternation; I as a lawyer understand that contracts are on a short deadline and need to be executed; public feels like something is being slipped by; even if it's not; Marion: it's communication; the perception is what matters in life; if you don't communicate properly people go off in 100 different directions with what they think happened; communication needs to be better; Jackson (clerk): as a city administration representative, what can we do to remedy that situation?; Donahue: I think you've already done a lot on the website; people get on and read some things and think it's the gospel truth and it's not even close; Carpenter: there's all kinds of avenues to communicate; people use it as an excuse; looking at the website, the Facebook page, the letter from the Mayor with the water bill; there's more than enough opportunity to be communicated to; you can communicate to the city too; texts, emails, phone calls, Facebook; communication isn't an issue; Marion: I've never seen anything explain why you need to have an emergency session of Council; maybe that needs to be looked at; Jackson (clerk): it's explained at the council meeting when we go through our discussion of the ordinance; Donahue: we will always ask why this is an emergency; Stobart: the two things that become problematic are the people that are there can't comment; if they are hearing it for the first time why it's an emergency and they get no opportunity to comment on it; issue I'm hearing is about being heard; it's not about the communication but the ability to react to it; Jackson (clerk): a missing piece to this puzzle is that all legislation goes to Work Session before it goes to City Council; Work Session is a public meeting so they are able to attend; no public comment during that meeting; but theoretically if we talk about something in Work Session and you have questions about it, during Council meeting public comment would be an appropriate time to make that comment; this is a pre-COVID world we are talking about; that would be their opportunity to speak; it would be at Work Session that they would learn it's going to be an emergency piece of legislation; probably not the most ideal opportunity but it is there; Stobart: that's helpful to know because I didn't know that; is that broadcast?; Jackson (clerk): it is; it's treated the exactly the same way as council; agenda's posted; held before council meeting; typically at 6 o'clock and Council is at 7.

Stobart: 3.06 Organization and Rules; Jackson (clerk): does council need to adopt their rules every January; Donahue: I would say if the rules change; Jackson (clerk): in practice we don't hold a Rules Committee meeting in January; have new members that have no history; Donahue: committee isn't even appointed until that meeting; might just be a clarification thing; Stobart: as we get new members on, practice today is to just continue on with existing rules; Jackson (clerk): Exactly; Rules Committee meets at least once a year; typically do it when people have been in position a while and can understand and give the appropriate feedback; because it's included in that council organization meeting it gets confusing especially for someone new; Donahue: we have an organizational meeting; goes into executive session; vote on who the president and vice president are going to be; everyone lines up for what duties they want; work with the JRD; different areas; Rules Committee; Shamp: I don't think this means you have to adopt the rules at the first meeting just because the title is Council Organization and Rules; first sentence is council has the organizational meeting; then it goes on to the rules; you can adopt the rules at any time; Jackson (clerk): I read it that way too but maybe not make them one paragraph; two separate sections; people won't associate them with one another; Stobart: 3.06a and 3.06b; great comment; your feedback is going to be helpful since you experience this every day;

Stobart: Salaries; Jackson (clerk): salary voting happens the same year as elections; can be a point of contention for people; they could potentially be voting on their own pay increase if they were re-elected; something to think about; Stobart: great way to keep salaries in check; DeWitt: all of government works that way; Obert: better they make their salary before they are elected than after; Marion: I assume salaries are tied to the budget; Jackson (clerk): Not council and mayor; they set their own salaries and I have to fit them into the budget; Marion: is that they way to do it?; Donahue: I know there were lean years when people didn't take raises; Council knows the budget; Marion: You assume they are responsible; Jackson (clerk): there are some communities that the pay increase doesn't go into effect until a

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new term for that individual as opposed to them giving themselves a mid-term pay raise; Stobart: that's what Hilliard has; Donahue: that makes sense; Shamp: Congress has the luxury that everyone is getting voted in and out every two years so they can pass a law that applies to all of them; here it depends on when you're up for election; I'll look at Hilliard's;

Donahue: everything we present and vote on here has to be approved by council anyways; Marion: that's interesting; brought that up with the attorney at the first meeting; kind of stupid; Stobart: some jurisdictions it bypasses the council; we can attempt to amend the charter to bypass the council; still have to approve it to get it on the ballot the first time for approval by the voters; DeWitt: it has to be voted on by the general public in the end; Stobart: either way it requires vote by the general public; Marion: you brought up non-partisan election; last year's election was partisan; is it something we should talk about in the charter; Stobart: we can; Marion: that's a wonderful thing about this community; DeWitt: it already says in here it's a non-partisan election; Stobart: yeah it is non-partisan; what makes it a partisan election is what the ballot reflects; if your identified with a party or not; my understanding is that our votes do not recognize a party; does not prevent a political party from endorsing you; where slate cards come in; Republican and Democratic slate card comes out; people will say oh they're republican; but it won't identify it on the ballot; voters who don't pay attention to politics won't know if they are Democratic or Republican; Bohnlein: had that issue here this year; Stobart: lot of people assumed it was a partisan election; depends on interpretation of what you did; reaching out to solicit that endorsement that's a different story; Shamp: non-partisan is purely related to the ballot; Obert: any city charter where the public puts the salary out for council; Stobart: that they vote on it?; I'm not aware of any; not saying it couldn't be done; every one I read are set by council; some set it up so can vote a pay raise until the next election; voters are approving pay raise by putting you back in; Shamp: I'll draft something like Hilliard's.

Stobart: Council vacancies; discussed this in February; Shamp: have a memo on this; Dublin also filled by majority within 15 days or later; Powell does the same; New Albany does as well; my notes did not reflect what beyond that was our issue; Stobart: the fear was someone would get elected, serve one day, resign and then someone is in office for 4 years having never been elected by the public; is there a time limit we can put on; within two years of expired term; in first two years of term do you require to be held at the next general election; Shamp: Dublin's say "If the vacancy occurs on or after July 1st of the second year of the term, the person elected by council serves for the unexpired term."; "If the vacancy occurs on or before June 30th of the second year, the person elected serves until a successor is elected at the next regular municipal election." So that'd be six months; Stobart: that's what ours says too; Shamp: Yes; Obert: how does that person get elected; Donahue: they get interviewed in front of council members, mayor, and so forth; Obert: so you apply for the job; Donahue: Yes; apply and take resumes; we've had council members with health issues; have passed on; this is nice council can move on and do this to bring someone in; be despicable someone is elected and moves on within days; Stobart: Heather Bishoff did this in the last election; moved to California days after she got elected; that's what tuned me into this; way to maintain a power block; Donahue: that's a partisan election; people who run for council run to make it a better community; not on a republican or democratic platform; Shamp: One note; change "following his election" to "the election"; Rose: so if someone where to quit like that lady; too costly to have another public vote; that's why council does it?; Stobart: Council would do it; next municipal election another person would run for it; we have no primaries, right?; Shamp: Right.

Stobart: Here are a couple handouts to share; two documents – council/manager/strong mayor article and municipal forms of government overview with commentary; the result of Cleveland Heights charter review; educational in nature; other forms that are out there in Ohio; on municipal forms of government has a chart in the back; breaks down different options out there; strong mayor, weak mayor, hybrid, council-manager systems; Jesse will provide a memo on it as well to supplement this; did it to educate myself; nothing to discuss on that today; charter reviews going on all over the state; I've looked at other charters under review; they share minutes and red-line versions; nice little exercise; will share links with everyone;

ii. **Charter Article IV - Legislative Procedure**

Stobart: Anything on section 4.01; No; 4.02; what's the process if the citizen wanted to introduce a resolution; have to go through council member?; Jackson (clerk): yes; Stobart: other way would be through an initiative or referendum;

Shamp: I don't know that would get it to council; it would be a resolution in form by bringing it to everyone to vote; wouldn't do that to get it on council agenda for council to vote on; Stobart: have you seen other charters that would provide for a citizen to bring forth a resolution for council to vote on?; Shamp: I have not; doesn't mean you can't; under code, statutory communities, only council can bring them; doesn't mean we couldn't explore that; I'll look at it; Carpenter: if someone had one, could just contact a council member and still get it done; Stobart: on a politically charged issue could find a council member doesn't want to step up and sponsor it; Jackson (clerk): as acting clerk, I don't know how you'd control that; if public wanted a resolution on the next agenda, am I supposed to do that; technically I report to Council President; Giesecke: so as it stands today, if public wants council to consider a resolution, have to get a member of council on board to present it; Jackson (clerk): absolutely; Stobart: could make it acceptable for citizen to submit a resolution upon approval of council; council votes whether they hear the resolution; then not looking for sponsorship; all council could vote against it; gets people on record; Donahue: have no idea what that person has in the back of their mind; could have a personal interest to put something out there; Stobart: sure; administratively difficulties in it; just bringing it up to discuss;

Stobart: 4.03?; 4.04; Donahue: we would read entire ordinance; then say second reading only or whatever; Stobart: if I read this correctly, don't need to do it by emergency unless two thirds of the members agree; Donahue: correct; Rush-Ekelberry: paragraph 4.05 seems redundant; says two thirds but if you have a majority; still goes into law; Donahue: president asks what is the emergency; you're given a response why; Stobart: there's an expectation of three readings; could have two thirds of the members say we don't need a second and third reading without declaring an emergency; going to have to explain to people why you did that; better off declaring an emergency; content of emergency legislation is so broad; public peace, health safety, or welfare; can slide anything into that; Jackson (clerk): there is a difference between three readings and the emergency declaration; confusing to council members as well; says each ordinance should be read by title three times; don't necessarily have to do that; just because we don't read it three times doesn't mean we are declaring it an emergency; emergency declaration has to do with when it becomes effective; Shamp: can waive the three readings, pass it, but it still takes the 30 days to become effective;

Shamp: my notes said to look at 4.06; Powell has three categories that cannot be passed as emergency legislation; tax increases, any appropriation in excess of 25% of the General Fund, all ordinances establishing, amending, revising zoning classifications, districts, uses, or regulations; Stobart: any interest adding taxation or ordinances changing zoning classifications; have we had any come through for zoning that were emergencies?; Jackson (clerk): I will look; zoning changes require a public hearing; Shamp: yes;

Stobart: 4.07; Amanda, from your experience; anything that needs clarification or has caused issues; Jackson (clerk): no, it's ok; Stobart: recording legislation; you have a book of record of ordinances in physical form; Jackson (clerk): we do; also have electronic; it's a project; not sure where we are at; working on scanning and will have them all electronically; Stobart: any desire to require them to be accessible electronically;

Stobart: talked about 4.10 Amendment last time; normally requires three readings, on third reading someone could submit amendment and doesn't start readings over again; could be first time amendment is read and heard and voted on; could get lulled in on the first and second reading; have bait and switch pulled on the third reading; it's a possibility; Shamp: only security there that the title of the resolution needs to be such that it's not different; if the title is substantially different, needs to go through the whole process;

Jackson (clerk): Mr. Stobart, to go back to your question about zoning and declaring an emergency; had one earlier this year; had a public hearing before it was passed; public hearing in April; wasn't passed by Council until May; were multiple opportunities for public input in that situation;

Stobart: Zoning measures? Shamp: New Albany requires Clerk of Council or designee to mail notice of public hearings to owners within 200 feet of the affected property; Jackson (clerk): we have something in our codifieds that covers that; Stobart: does our say adjacent; Jackson (clerk): it probably does; it's different for each zoning issue; when they come up, I have to look it up for that circumstance;

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Stobart: Adoption of Technical Codes; Donahue: B says that at least two copies of such code shall be kept at all times in the office of the Clerk of Council; is there an office; Jackson (clerk): yes; we have multiple copies in the building; can find one in almost everybody's offices;

Stobart: Codification; Jackson (clerk): those are also available online so anyone can look at them at any point; Donahue: do you still have to post things in the local paper; Jackson (clerk): yes; Bohnlein: is one of the places of publication out here on this bulletin board; used to be; Jackson (clerk): all depends on what is required under our codified ordinances and what is required under Open Meetings; try to post out there when feasible; depends on how busy we are; most posting is done electronically these days; how people are getting their information; Stobart: 4.14 requires publication three places in the corporation for a period of not less than 15 days after adoption and any other means the council may adopt in addition to those; has council adopted any revisions to posting; electronic posting for example; Jackson (clerk): No, they don't require it; Bohnlein: would be good to put it in there; Stobart: would be good if they haven't adopted it; if that's where most get their information; should be posted electronically on the city's website; have we considered getting an app; Jackson (clerk): we have a mobile friendly version of our website;

Stobart: anything else we want to talk about on 3 and 4 today; any new business to bring up before we set the next meeting agenda; Rush-Ekelberry: what would you like us to start on; Stobart: focus on structure; if we want to explore new structures; sections 3, 4, and 5 are the key sections; that would be the topic to start with next week; 5 covers the mayor; start the discussion on his elections and qualifications; in the same position as council member; probably looking at a residency requirement would be of interest to me at least; powers, functions and duties that would be a big one; Jesse, would you have it for the next meeting or not; Jesse: so much of every decision you can make is based on if you want to change the structure; once you do that, everything after runs down hill; Stobart: I'll send out the other charters electronically; moment in time to have that education; see what's out there; possibilities are there; google it too; pros and cons to all of them; Bohnlein: are all the charters you have strong mayors; Stobart: no, three are strong mayor; three are council-manager of some sort; really eye opening to me; lot of discussions of benefits and trends of municipalities moving away from certain scenarios; don't want to influence anyone; bring your thoughts to the next one; Bohnlein: are they leaning for strong mayors; Stobart: most are moving to council-manager or council-administrator systems; thoughts on it both ways;

Shamp: City manager, ceremonial mayor which is head of council; you can do it anyway you want under a charter; Stobart: under Ohio Revised Code, mayor has certain functions; some presidents of council act as mayor; could be ceremonial; could be for purposes of controlling sheriff's department or any judicial proceedings; comes down to what gives the citizens most control; in most situations give the control to the mayor and everyone's hands off; try to work through the council; other cases council has the power and control; mayor is ministerial in nature; city administrator runs day to day operation of town; they serve at the pleasure of council; personnel do not; DeWitt; my problem with city manager is electors have no voice in who it is; he doesn't answer to me the voter; when he's hired, if I don't like what he's doing, I can't get a recall petition up because he's hired; want to think that through pretty thoroughly; Stobart: My opinion is it's actually the opposite; you have more control with city manager; he or she needs to keep the populous happy; serving at the will of council members; council members can hire or fire that person at any time; when elect a mayor, they are in for four years; DeWitt: you have ways you can remove any one that is elected; if that bad; recall petitions; go to council meetings and let them have it; I have to know more;

Jackson (clerk): difference between the two; City Manager reports to Council; City Administrator reports to the Mayor; Donahue: be interesting to look at the longevity of those; how long do they stay; move a lot to get better pay; interesting to see how budgets are affected; on the other hand, studies all these things; well versed; mayor could not have a clue about anything when elected; pluses and minuses to both; Pat made a good point; Stobart: my theory on city managers is they are professionals and have to meet qualification requirements that council sets;

Rush-Ekelberry: perhaps we ought to do just 5 Mayor because with everything we need to read up on could take a great deal of time; I'm thinking 5 is very important; it's up to the commission; just do article 5 or take on more?; Donahue: 5 would be fine with me; Rush-Ekelberry: I think 5 would be enough for us to handle; Stobart: Administrative Offices should probably be done separately; Carpenter: is the charter only reviewed every 10 years; Stobart: yes; can

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you make amendments to the charter though; can't remember if we have it in ours; Carpenter: if we want a change the change is good for 10 years; or if it stays the same, it stays the same for 10 years; Rush-Ekelberry: these are recommendations; council gets the final say; Donahue: And the people; Jackson (clerk): we are only doing article 5 at next week's meeting, correct?; Stobart: Correct; could have an opportunity to bring in someone who has been an administrator or a city manager; get their impression; Carpenter: we are going to? I don't think we need to; Stobart: might be a benefit; Donahue: could bring in a city manager who is good and really sell us or bring one that isn't so good and does a bad presentation; don't know if we need that; Stobart: absolutely true.

G. Adjournment @ 8:32 p.m.

A motion was made by Bohnlein to adjourn, seconded by Rush-Ekelberry. The motion carried with the following vote:

Yes 10 – Bohnlein, Rush-Ekelberry, Carpenter, DeWitt, Donahue, Giesecke, Marion, Obert, Stobart

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ARTICLE V
MAYOR

5.01 Election.

At the regular municipal election to be held in 1999 and each four years thereafter a qualified person shall be elected mayor for a four year term. The term for the Mayor shall commence on the first day of January next following her or his election.

5.02 Qualifications.

The person who holds the office of Mayor shall have been an elector of Canal Winchester at the time he or she files for office and during his or her term of office. The Mayor shall not hold any other public office or position of employment with Canal Winchester during a term, except he or she may hold office in a political party or be a delegate to a political party convention, serve as a notary public, serve as a member or officer in the military reserve or national guard, serve in any office position or capacity to represent Canal Winchester or to further intergovernmental cooperation, and may hold any office or position of employment permitted by this Charter or the laws of Ohio.

5.03 Vacancy, Temporary Absence or Disability.

(A) If the office of Mayor shall become vacant, the President of Council shall succeed to the office of Mayor.

(B) If the Mayor is temporarily absent from Canal Winchester or is temporarily unable to perform the duties of Mayor, the President of Council shall become the Acting Mayor and shall, during the period of absence or disability, perform all the powers, duties and functions of Mayor, except he or she shall not have the power to veto ordinances or resolutions. The Acting Mayor shall continue in his or her capacity as President of Council and as a voting member of the Council during the period of the Mayor's temporary absence or disability.

5.04 Powers, Functions and Duties of the Mayor.

(A) The Mayor shall be the chief executive, administrative and law enforcement officer of Canal Winchester. He or she shall be responsible for the administration of all municipal affairs placed in the Mayor's charge by or under this Charter, the ordinances or resolutions of the Municipality and state laws.

(B) The Mayor shall have the following powers, duties and functions to:

(1) Appoint, promote, and, when he or she deems it necessary for the good of the service, suspend, remove or otherwise discipline all municipal employees and appointive administrative officers, except as otherwise provided by or under this Charter, subject to the powers granted to the Council pursuant to Section 3.01 (A)(4) of this Charter and subject to the provisions of this Charter pertaining to the Merit System.

(2) Direct and supervise the administration of all departments, offices and agencies of Canal Winchester, except as otherwise provided by this Charter.

(3) Attend all Council meetings and shall have the right to take part in discussions but may not vote.

(4) See that all laws, provisions of this Charter and ordinances and resolutions of the Council, subject to enforcement by the Mayor or by officers subject to his or her direction and supervision, are faithfully executed.

(5) Prepare and submit the annual budget and capital program to the Council.

(6) S**u**bmit to Council and make available to the public a complete report on the finances and administrative activities of Canal Winchester as of the end of each fiscal year.

(7) Make such other reports as the Council may require concerning the operations of municipal departments, offices, boards, commissions and agencies subject to his or her direction and supervision.

(8) Keep the Council fully advised as to the financial condition and future operating and capital needs of the Municipality and make recommendations to the Council concerning the affairs of Canal Winchester.

(9) Require reports and information of subordinate officers and employees of Canal Winchester as he or she deems necessary in the orderly operation of Canal Winchester, or when requested to do so by the Council or any board or commission of Canal Winchester.

(10) Execute on behalf of Canal Winchester all contracts and agreements, except as otherwise provided in this Charter.

(11) Affix to official documents and instruments of Canal Winchester the Mayor's Seal, which shall be the seal of Canal Winchester, but the absence of the seal shall not affect the validity of any such document or instrument.

(12) Perform such other powers, duties and functions as are conferred or required by this Charter, by any ordinance or resolution of the Council, or by the laws of the State of Ohio.

5.05 Mayor's Veto Power.

(A) Each ordinance or resolution passed by the Council shall be presented to the Mayor for his or her approval or rejection. The Mayor shall have ten days after an ordinance or resolution was adopted to veto any ordinance or resolution and to return and file it with the Clerk of Council. The Mayor shall include the date of and reasons for his or her veto in writing addressed to the Council. The Mayor may veto the whole or any part of any ordinance or resolution authorizing the expenditure or appropriation of money. If the Mayor shall neither approve nor veto an ordinance or resolution within the ten day period described herein above, the ordinance or resolution shall take affect in the same manner as if the Mayor had approved it.

(B) The Council may override the Mayor's veto by motion passed by a two-thirds majority at a regular or special meeting of the Council held not sooner than six days nor later than fifteen days after the date of the Mayor's veto. If the Mayor's veto is overridden by the Council, the ordinance or resolution shall take effect in the same manner as if the Mayor had not vetoed the measure.

(C) The Mayor shall have no authority to veto an ordinance or resolution proposing to amend this Charter or establishing or calling for an election authorized by this Charter, the Constitution or laws of Ohio.

5.06 Administrator

The Council may at the request of the Mayor, by ordinance, create or abolish the Office of the City Administrator (hereinafter referred to as the "Administrator"). The Administrator shall be appointed by the Mayor pursuant to Section 5.04(B)(1)_of this Charter to serve at the pleasure of the Mayor and may be removed by the Mayor pursuant to Section 5.04(B)(1) of this Charter without cause. The Administrator shall assist the Mayor in the day-to-day operation of Canal Winchester and shall perform duties delegated to him or her by the Mayor, including but not limited to awarding contracts in an amount not exceeding the limits as established by the Ohio Revised Code Section 731.141. The Mayor may delegate, modify or revoke, the authority to supervise department and division heads to the Administrator. Until revoked, the delegation or modified delegation shall be effective, but may not exceed the current term of the Mayor or the period the person making the delegation or modified delegation holds the Office of Mayor.

The Administrator shall, in all respects, be subject to the control, direction, and supervision of the Mayor. The Administrator shall not hold any public office, unless authorized by Council, except he or she may hold office in a political party or be a delegate to a political party convention, serve as a member or officer in the military reserve or national guard, serve in any office, position or capacity to further intergovernmental cooperation, and may hold any office, other than Council Member, Director of Law or Director of Finance, as permitted by this Charter and the laws of Ohio. The Administrator may serve as a department head under this Charter.